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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 LENIER RENE AYERS,
12 Plaintiff,
13 v.
14 HENRY RICHARDS, *et al.*,
15 Defendants.

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18 Case No. C06-5264RBL-KLS
19 ORDER DENYING PLAINTIFF'S
20 MOTION IN REQUEST OF
21 STATE APPOINTED COUNSEL

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23 This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. §
24 636(b)(1), Local Magistrates Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure.
25 The case is before the Court upon plaintiff's filing of a motion in request of state appointed counsel. (Dkt.
26 #24). Plaintiff has been granted *in forma pauperis* status in this case. After reviewing the motion and the
27 balance of the record, the Court finds and ORDERS as follows:

28 There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. While the
court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma*
pauperis, it may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331
(9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d
1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood
of success on the merits and the ability of plaintiff to articulate his claims *pro se* in light of the complexity

1 of the legal issues involved. Wilborn, 789 F.2d at 1331.

2 In his motion, plaintiff requests the Court appoint him counsel due to defendants' unfair advantage
3 of experience in litigation, and his complete lack of knowledge and experience regarding the same. These
4 reasons, however, are not particular to plaintiff, but apply in general to most *pro se* prisoners. Plaintiff,
5 therefore, has failed to show exceptional circumstances exist in this case that would warrant appointment
6 of counsel. In particular, he has not demonstrated a likelihood of success on the merits or that the legal
7 issues in this case are so complex that he will be unable to articulate his claims *pro se*.

8 Accordingly, plaintiff's motion in request for state appointed counsel (Dkt. #24) hereby is
9 DENIED.

10 The clerk is directed to send a copy of this Order to plaintiff.

11 DATED this 28th day of March, 2007.

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15 Karen L. Strombom
16 United States Magistrate Judge
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